

2003 DRAFTING REQUEST**Bill**Received: **01/29/2003**Received By: **mdsida**Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**By/Representing: **Greg**This file may be shown to any legislator: **NO**Drafter: **mdsida**May Contact: **Michael Miller**

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**Extra Copies: **rlr**Submit via email: **YES**Requester's email: **Rep.Youngl@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prostitution and patronizing a prostitute

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|------------------------|------------------------|----------------|------------------------|----------------------|-----------------|
| /P1 | mdsida 03/04/2003 | chanaman 03/17/2003 | | _____ | | | S&L Crime |
| /1 | | | chaskett 03/17/2003 | _____ | amentkow 03/17/2003 | lemery 05/27/2003 | S&L Crime |

05/27/2003 12:49:51 PM

Page 2

FE Sent For:

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→ A+
Intro.

03/17/2003 05:14:11 PM

Page 1

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| /P1 | mdsida | and 1 3/17 | 13/17 CPL | sent 3/17 | | | S&L Crime |

FE Sent For:

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2/12

Plc to Michael Mullen - he sugg'd I call
Deputy ~~Inspector~~ Raymond Susik
914/935-7203

Plc to Greg

oh to call

Plc to Susik
left msg

Make it a Class I felony

Plc to Insp. Susik -

Cover both patronizing + engaging in

Dsida, Michael

Subject: FW: LRB Drafting Request

TO: Michael D. Dsida

From: Leon D. Young

RE: LRB Drafting Request

Date: January 28, 2003

Patronizing Prostitutes

Amend Wisconsin Statutes 944.30 so that a third conviction of engaging in or patronizing a prostitute in a five-year period would be classified as a Class E Felony.

01/28/2003



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1835/Pl

MGD:Y.....

cmh

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

not to be enacted

1 AN ACT ...; relating to: prostitution and patronizing a prostitute and providing
2 penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits prostitution. Current law also prohibits a person from entering or remaining in a place of prostitution with the intent to patronize a prostitute. A person who violates either of these prohibitions is guilty of a misdemeanor and may be fined not more than \$10,000, sentenced to the county jail for up to nine months, or both.

Under this bill, if a person violates either of these prohibitions after having been convicted under that prohibition twice within the preceding five years, he or she is guilty of a felony and may be fined not more than \$10,000, sentenced to a term of imprisonment (consisting of a term of confinement in state prison followed by a term of extended supervision) of up to three and a half years, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 944.30 of the statutes is renumbered 944.30 (1m).

SECTION 2. 944.30 (2m) of the statutes is created to read:

944.30 (2m) Any person who violates sub. (1m) is guilty of a Class E felony if the person has at least ²~~two~~ prior convictions under this section that were based on conduct occurring within the ⁵~~five~~ years immediately preceding the present violation.

If a person was convicted of more than one violation of sub. (1m) for acts arising out of the same incident or occurrence, the convictions shall be treated as a single prior conviction under this subsection.

SECTION 3. 944.31 of the statutes is renumbered 944.31 (1).

SECTION 4. 944.31 (2) of the statutes is created to read:

944.31 (2) Any person who violates sub. (1) is guilty of a Class E felony if the person has at least ²two prior convictions under this section that were based on conduct occurring within the ⁵five years immediately preceding the present violation.

SECTION 5. Initial applicability.

(1) This act first applies to offenses committed on the effective date but does not preclude counting other violations as prior convictions for the purpose of determining whether a person is subject to penalties under section 944.30 (2m) or 944.31 (2) of the statutes, as created by this act.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1835/P1dn

MGD:.....

me

Date

Greg:

The second sentence of s. 944.30 (2m) is intended to cover the possibility that a person might be convicted of more than one violation under s. 944.30 in connection with the same incident or occurrence. That does not appear to be a possibility under s. 944.31. *See State v. DeRango*, 2000 WI 89, ¶¶ 16-17, 21, 236 Wis. 2d 721.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1835/1dn
MGD:cmh:cph

March 17, 2003

Greg:

The second sentence of s. 944.30 (2m) is intended to cover the possibility that a person might be convicted of more than one violation under s. 944.30 in connection with the same incident or occurrence. That does not appear to be a possibility under s. 944.31. *See State v. DeRango*, 2000 WI 89, ¶¶ 16-17, 21, 236 Wis. 2d 721.

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